

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

IN RE SWISHER HYGIENE, INC. SECURITIES AND DERIVATIVE LITIGATION	§ § § MDL DOCKET NO.: 3:12-MD-2384-GCM § §
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ROBERT HARRIS,	§ § §
Plaintiff,	§ MEMBER CASE DOCKET NO.:
v.	§ 3:14-cv-2388
	§ §
SWISHER HYGIENE, INC., et al.,	§ § §
Defendants.	§

**STIPULATION AND ORDER GOVERNING
SERVICE OF COMPLAINT FOR DAMAGES AND OTHER RELIEF, AND EACH
DEFENDANT'S TIME TO ANSWER, MOVE OR OTHERWISE RESPOND**

WHEREAS, plaintiff Robert Harris (the "Plaintiff") filed his Complaint for Damages and Other Relief (the "Complaint") on April 14, 2014;

WHEREAS, the Complaint has not yet been served on all defendants (the "Defendants") named therein;

WHEREAS, on May 1, 2014, Swisher Hygiene, Inc. notified the Panel on Multidistrict Litigation (the "MDL Panel") of this action, and requested that it be transferred and centralized in the United States District Court for the Western District of North Carolina (the "Western District of North Carolina" or the "Court") with other related actions pending there;

WHEREAS, on May 5, 2014, the MDL Panel issued a Conditional Transfer Order (the "CTO"), conditionally transferring the case to the Western District of North Carolina;

WHEREAS, the CTO was received by the Clerk of the Western District of North Carolina and on August 6, 2014 the CTO was filed as Docket Entry Number 103 in this multidistrict litigation, captioned *In re Swisher Hygiene, Inc. Securities and Derivative Litigation*, No. 3:12-md-02384-GCM (W.D.N.C.), and the *Harris* matter was received by this Court from the Southern District of Florida; and

WHEREAS, the parties have reached an agreement regarding service of the Complaint and a stay of proceedings in this action, including each Defendant's time to answer, move or otherwise respond to the Complaint in light of the transfer of the action to the Western District of North Carolina and the status of other actions pending there;

IT IS HEREBY STIPULATED AND AGREED, by and among the parties through the undersigned counsel, subject to the approval of the Court, that:

1. The Defendants accept service of the Summons and Complaint and waive any defense based on insufficiency of service. Nothing in this Stipulation shall constitute a waiver of any other defense that any Defendant may have.
2. The Defendants do not need to answer, move or otherwise respond to the Complaint until 30 days after the Court rules on the motions to dismiss filed in the member case captioned *Miller, et al. v. Swisher Hygiene, Inc., et al.*, No. 3:14-cv-2387 (W.D.N.C.).
3. All proceedings in action are stayed in this action until the Court rules on the motions to dismiss filed in the action captioned *Miller, et al. v. Swisher Hygiene, Inc., et al.*, No. 3:14-cv-2387 (W.D.N.C.).
4. The parties reserve their rights to seek a modification of this proposed order or any other relief upon expiration of this proposed order.

Respectfully submitted,

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Attorneys for Defendant Swisher Hygiene, Inc.

Dated: August 12, 2014

SO ORDERED.

Signed: August 13, 2014



Graham C. Mullen
United States District Judge

